

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**In re: JUSTIN DAVID HOUSE
DIANA MARTIN HOUSE,
Debtors.**

**Case No.: 11-36609-KLP
Chapter 13**

**In re: JUSTIN DAVID HOUSE
DIANA MARTIN HOUSE,
Plaintiffs.**

v.

**M.H. West & Co., Inc.
700 East Main Street
Suite 904
Richmond, VA 23219**

and

**Marilyn West
Owner
700 East Main Street
Suite 904
Richmond, VA 23219**

**Marilyn West
Owner
1401 Wentbridge Road
Richmond, VA 23227**

**Marilyn West
Owner
P.O. Box 548
Richmond, VA 23220**

Defendants.

**AMENDED NOTICE OF MOTION TO ISSUE SHOW CAUSE AND AMENDED
MOTION**

This Court has issued a Show Cause against M.H. West & Co., Inc. and Marilyn West in the matter of Justin David House and Diana Martin House.

Your Rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have on in this bankruptcy case. (if you do not have any attorney, you may wish to consult one.)

NOTICE IS HEREBY GIVEN THAT A HEARING ON THIS SHOW CAUSE WILL BE HELD AT THE UNITED STATES BANKRUPTCY COURT, U.S. COURTHOUSE, COURTROOM 5100, 701 EAST BROAD STREET, RICHMOND, VIRGINIA, ON September 7, 2016, 2016 AT 10:30 A.M.

Date: August 5, 2016

Signature, name address and telephone
number of person giving notice:

/s/Rudolph C. McCollum, Jr.

Rudolph C. McCollum, Jr.

McCollum At Law,

P.O. Box 4595

Richmond, VA 23220

Virginia State Bar No.32825

Counsel for the Debtors

Certificate of Service

I hereby certify that I have this 5 day of August 2016, mailed, delivered by electronic means or hand-delivered a true copy of the foregoing Notice of Motion to Issue Show Cause to the parties listed on the attached service list.

/s/Rudolph C. McCollum, Jr.

Rudolph C. McCollum, Jr.

**Rudolph C. McCollum, Jr.
Counsel for the Debtor
VSB# 32825
422 East Franklin St., Suite 301
Richmond, VA 23219
(804) 523-3900 (Telephone)
(804) 523-3901 (Facsimile)**

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Defendants.

AMENDED MOTION FOR SHOW CAUSE

COME NOW the Debtors, Justin David House and Diana Martin House, by Counsel, who, in support of their Motion for Show Cause, state the following:

1. On October 18, 2011 the Debtors filed this Chapter 13 bankruptcy case. Carl M. Bates was the appointed Trustee.
2. As of the date of filing, Justin house has been employed by M.H. West & Co., Inc. which is owned by Marilyn West who is Justin House's aunt.
3. During the Section 341 hearing the Debtors indicated to the Trustee that they wanted the Chapter 13 plan payments to be taken from Justin House's wages.
4. On November 28, 2011 the Trustee filed a Directive for Wage Deduction directing M.H. West & Co, Inc. to deduct \$1423.00 from the Debtor's wages. The Debtors' Chapter 13 plan was confirmed on December 15, 2011. An amended plan was filed on July 12, 2013 and the Trustee amended the wage directive directing M.H. West & Co., Inc. to deduct \$865.00 from the Debtor's wages. That amended plan was confirmed on September 13, 2013.
5. Beginning February of 2012, payments from M.H. West & Co., Inc. have been inconsistent and sporadic. M.H. West & Co., Inc. has consistently deducted the appropriate amount from the Debtor's wages. However, the employer failed to consistently send the funds to the Trustee. The Debtor's payment history shows non-payment over several month periods and then large lump sum payments made months afterwards. These actions of the employer have been (and continue to be) extremely detrimental to the Debtors. The Trustee has filed motions to dismiss for non-payment. Finally, in order to remedy the situation, the Trustee terminated the wage directive on December 15, 2015 and filed a new directive for plan payments

directing the Debtors to make the plan payments. However, M.H. West & Co, Inc. has continued to deduct the funds from the Debtor's wages and not send those funds to the Trustee. As a result, the Debtor does not have the funds to pay the Trustee. Various communications with Marilyn West in attempts to remedy this situation have been futile.

WHEREFORE, the Debtors respectfully requests that this Honorable Court enter an order against M.H. West & Co., Inc. and Marilyn West awarding the Debtors attorney's fees and costs accrued in this matter and awarding the Debtors all of the amounts that were taken from Justin House's wages that were not send to the Trustee while he was an employee of M.H. West & Co, Inc. and Marilyn West. Marilyn West and a representative of M.H. West & Co, shall appear and explain why they should not be held in contempt of Court or fined or imprisoned, or both, for failure to comply with the wage directives and why judgment should not be awarded to the Debtors for the amount of attorney's fees and costs found to be owing as of the date of the hearing and why all of the deducted earnings that were never sent to the Trustee should not be returned immediately to the Debtors.

JUSTIN DAVID HOUSE
DIANA MARTIN HOUSE
By Counsel

Date: August 5, 2016

Signature, name address and telephone
number of person giving notice:

/s/Rudolph C. McCollum, Jr.
Rudolph C. McCollum, Jr.
McCollum At Law,
P.O. Box 4595
Richmond, VA 23220
Virginia State Bar No.32825
Counsel for the Debtors

CERTIFICATE OF SERVICE

I hereby certify that I have this 5 day of August 2016, sent by first class, postage prepaid mail a true copy of the foregoing motion for show cause to the Defendant at the following address:

M.H. West & Co., Inc.
700 East Main Street
Suite 904
Richmond, VA 23219

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Owner
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/s/Rudolph C. McCollum, Jr.

Rudolph C. McCollum, Jr.

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